

Message Text

LIMITED OFFICIAL USE

PAGE 01 MADRID 01750 061310Z

42

ACTION EUR-12

INFO OCT-01 ISO-00 INRE-00 SSO-00 NSCE-00 USIE-00 CIAE-00

DODE-00 PM-04 H-02 INR-07 L-03 NSAE-00 NSC-05 PA-01

PRS-01 SP-02 SS-15 DHA-02 SAM-01 SAJ-01 IO-11 /068 W

----- 030789

O R 061100Z MAR 76

FM AMEMBASSY MADRID

TO SECSTATE WASHDC IMMEDIATE 4852

INFO AMEMBASSY LONDON

AMEMBASSY PARIS

AMEMBASSY ROME

AMEMBASSY DUBLIN

AMEMBASSY THE HAGUE

AMEMBASSY BRUSSELS

AMEMBASSY LISBON

AMEMBASSY COPENHAGEN

AMEMBASSY STOCKHOLM

AMEMBASSY OSLO

USMISSION NATO

USMISSION USEC BRUSSELS

LIMITED OFFICIAL USE MADRID 1750

E.O. 11652: N/A

TAGS: PINT, SP

SUBJ: BILL ON FREEDOM OF ASSOCIATION TO BE SUBMITTED TO "CORTES"

REF: MADRID 1733

1. COUNCIL OF MINISTERS DECIDED MARCH 5 TO SUBMIT TO THE "CORTES"
A BILL TO REGULATE THE EXERCISE OF FREEDOM OF ASSOCIATION PROVIDED
FOR UNDER ARTICLE 16 OF THE SPANISH BILL OF RIGHTS. THE LAW,
WHEN ADOPTED, WILL BE CONSIDERED AS A FUNDAMENTAL LAW. IN
DESCRIBING THE DRAFT TO CORRESPONDANTS MINISTER OF INFORMATION
AND TOURISM SAID THAT IT WAS UNCLEAR AT THE MOMENT WHETHER OR NOT
THE LAW WOULD BE SUBMITTED TO THE PEOPLE BY REFERENDUM.

LIMITED OFFICIAL USE

LIMITED OFFICIAL USE

PAGE 02 MADRID 01750 061310Z

ASKED IF THE SUBMISSION OF THE BILL WOULD MEAN THAT POLITICAL

PARTIES WOULD BE FEASIBLE, THE MINISTER REPLIED THAT IT WAS A MATTER OF SEMANTICS.

2. AS REPORTED IN LOCAL PRESS MARCH 6, BILL WOULD PROVIDE FOR FREE ASSOCIATION FOR ALL ORGANIZATIONS WHOSE OWN BY-LAWS AND ACTIVITIES ARE CONSISTENT WITH THE FUNDAMENTAL LAWS, UNIVERSAL DECLARATION OF HUMAN RIGHTS, AND THE LAW ITSELF. CRITERIA FOR JUDGING THE ILLICIT CHARACTER OF ASSOCIATIONS WILL BE BASED ON THEIR POSITION WITH RESPECT TO NATIONAL UNITY, THE ESTABLISHMENT OF A TOTALITARIAN REGIME, THE PROMOTION OF SUBVERSION OR VIOLENCE, AND INFRACTIONS OF THE PENAL CODE, I.E. COMMUNISM, ANARCHISM, AND SEPARATISM.

3. NO MINIMUM NUMBER OF MEMBERS WILL BE REQUIRED UNDER THE BILL TO SET UP AN ASSOCIATION. ALL ADMINISTRATIVE AND PROCEDURAL DETAILS WILL BE CHanneLED THROUGH THE MINISTRY OF INTERIOR WHICH WILL SET UP A REGISTRY OF POLITICAL ASSOCIATIONS. JURISDICTIONAL GUARANTEES WILL BE PROVIDED UNDER THE ORDINARY JUDICIAL SYSTEM ALTHOUGH, AS A MEANS OF INSURING THE OBSERVANCE OF THESE GUARANTEES, A NEW COURT OF GUARANTEES WILL BE SET UP AND PRESIDED OVER BY THE PRESIDENT OF THE SUPREME COURT OF JUSTICE. THE POLITICAL ASSOCIATIONS SET UP UNDER THE DEC 1974 STATUTE WILL BE RECOGNIZED UNDER THE NEW LAW.

4. THIS DRAFT BILL IS THE NECESSARY COMPLEMENT OF THE BILL ON FREEDOM OF ASSEMBLY PREVIOUSLY SUBMITTED TO THE "CORTES"; TOGETHER THEY WOULD PROVIDE A LEGAL BASIS FOR FREE POLITICAL ACTIVITY BY ORGANIZED GROUPS (REFTEL).

THREE OBJECTIONABLE FEATURES OF THE 1974 STATUTE ON POLITICAL ASSOCIATIONS HAVE BEEN CHANGED IN THE NEW BILL: (1) THE REQUIREMENT FOR A MINIMUM OF 25,000 MEMBERS DISTRIBUTED IN AT LEAST 15 PROVINCES, (2) REGISTRATION WITH THE SECRETARIAT OF THE NATIONAL MOVEMENT, AND (3) JUDICIAL RECOURSE TO A SPECIAL COMMISSION UNDER THE NATIONAL MOVEMENT. THE LATTER'S ROLE UNDER THE NEW BILL WILL BE GREATLY REDUCED INASMUCH AS POLITICAL ASSOCIATIONS WILL NO LONGER COME UNDER ITS TUTELAGE.
STABLER

LIMITED OFFICIAL USE

NNN

Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: GOVERNMENT REFORM, LEGISLATIVE BILLS, POLITICAL FREEDOM
Control Number: n/a
Copy: SINGLE
Draft Date: 06 MAR 1976
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: GolinoFR
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1976MADRID01750
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Film Number: D760086-0740
From: MADRID
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1976/newtext/t19760387/aaaaczcd.tel
Line Count: 98
Locator: TEXT ON-LINE, ON MICROFILM
Office: ACTION EUR
Original Classification: LIMITED OFFICIAL USE
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 2
Previous Channel Indicators: n/a
Previous Classification: LIMITED OFFICIAL USE
Previous Handling Restrictions: n/a
Reference: 76 MADRID 1733
Review Action: RELEASED, APPROVED
Review Authority: GolinoFR
Review Comment: n/a
Review Content Flags:
Review Date: 24 MAR 2004
Review Event:
Review Exemptions: n/a
Review History: RELEASED <24 MAR 2004 by MartinML>; APPROVED <25 MAR 2004 by GolinoFR>
Review Markings:

Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
04 MAY 2006

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: BILL ON FREEDOM OF ASSOCIATION TO BE SUBMITTED TO "CORTES"
TAGS: PINT, SP
To: STATE
Type: TE
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 04 MAY 2006